

United States Patent and Trademark Office

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/820,113	04/08/2004	Kaoru Higuchi	1248-0714PUS1	8367	
2292 75	590 09/29/2005		EXAM	EXAMINER	
BIRCH STEWART KOLASCH & BIRCH			LAMB, BRENDA A		
PO BOX 747 FALLS CHURCH, VA 22040-0747			ART UNIT	PAPER NUMBER	
	,		1734		
	•		B		

DATE MAILED: 09/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

			y -
	Application No.	Applicant(s)	
055 4-45 0	10/820,113	HIGUCHI ET AL.	
Office Action Summary	Examiner	Art Unit	
	Brenda A. Lamb	1734	
The MAILING DATE of this communication app Period for Reply	pears on the cover sheet with the c	correspondence address	
A SHORTENED STATUTORY PERIOD FOR REPLY WHICHEVER IS LONGER, FROM THE MAILING D/ Extensions of time may be available under the provisions of 37 CFR 1.1: after SIX (6) MONTHS from the mailing date of this communication. If NO period for reply is specified above, the maximum statutory period v Failure to reply within the set or extended period for reply will, by statute Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).	ATE OF THIS COMMUNICATION 36(a). In no event, however, may a reply be tin will apply and will expire SIX (6) MONTHS from the cause the application to become ABANDONE	N. nely filed the mailing date of this communic D (35 U.S.C. § 133).	
Status .			
1) ☐ Responsive to communication(s) filed on 4/08/ 2a) ☐ This action is FINAL . 2b) ☐ This 3) ☐ Since this application is in condition for allower	action is non-final.	osecution as to the merit	s is
closed in accordance with the practice under E	x parte Quayle, 1935 C.D. 11, 45	53 O.G. 213.	
Disposition of Claims			
4) Claim(s) 1-18 is/are pending in the application. 4a) Of the above claim(s) is/are withdraw 5) Claim(s) is/are allowed. 6) Claim(s) is/are rejected. 7) Claim(s) is/are objected to. 8) Claim(s) 1-18 are subject to restriction and/or example and the second	wn from consideration. election requirement. r. epted or b) objected to by the legraming(s) be held in abeyance. See	e 37 CFR 1.85(a).	
Replacement drawing sheet(s) including the correct 11) The oath or declaration is objected to by the Ex			
Priority under 35 U.S.C. § 119			
 12) Acknowledgment is made of a claim for foreign a) All b) Some * c) None of: 1. Certified copies of the priority documents 2. Certified copies of the priority documents 3. Copies of the certified copies of the priority application from the International Bureau * See the attached detailed Office action for a list 	s have been received. s have been received in Applicati rity documents have been receive u (PCT Rule 17.2(a)).	on No ed in this National Stage	
Attachment(s)) Notice of References Cited (PTO-892) c) Notice of Draftsperson's Patent Drawing Review (PTO-948) i) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date	4) Interview Summary Paper No(s)/Mail Da 5) Notice of Informal P 6) Other:		

DETAILED ACTION

Election/Restrictions

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- Claims 1-5, drawn to pattern forming apparatus, classified in class 118, subclass 300.
- II. Claims 6-18, drawn to method for manufacturing a pattern formation apparatus, classified in class 29, subclass 890.1.

The inventions are distinct, each from the other because of the following reasons:

Inventions II and I are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case, the product as claimed can be made by another and materially different process such as one wherein the combining layer is coated and hardened on the substrate which includes a concave section and thereafter a top plate is extruded onto the above cited substrate with hardened combining layer thereon thereby combining the top plate within the substrate coated with a hardened combining layer thereon so to form a product having a substrate including a concave section, combining layer and top plate.

The inventions are distinct, each from the other because:

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

Because these inventions are distinct for the reasons given above and the search required for Group II is not required for Group I, restriction for examination purposes as indicated is proper.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Any inquiry concerning this communication should be directed to Brenda A.

Lamb at telephone number (571) 272-1231.

Brenda A Lamb

Examiner Art Unit 1734